

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 20 2005 ★

-----X
SHAMEL KING,

Plaintiff,

P.M. _____
TIME A.M. _____

-against-

THE CITY OF NEW YORK, OFFICER THOMAS
DONOHUE (Shield 14716 of the Brooklyn South
Narcotics Division), JOHN DOES 1-6 (representing
police officers of the Brooklyn South Narcotics
Division),

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

05-CV-2567 (SLT)(VVP)

-----X
CHARLES DRENNON and SHAMEL KING,

Plaintiff,

-against-

THE CITY OF NEW YORK, OFFICER EDWIN
SANTIAGO, OFFICER MATTHEW REGINA,
SERGEANT ROLAND JEROME, JOHN DOES 1-8,

Defendants.

05-CV-2486 (CBA)(KAM)

-----X
WHEREAS, plaintiff Shamel King commenced the action entitled *Shamel King*
v. City of New York et al., 05-CV-2567 (SLT), in the U.S. District Court of the Eastern District of
New York by filing a complaint on or about May 26, 2005, alleging that his constitutional and
common law rights were violated; and

WHEREAS, plaintiff Shamel King commenced the action entitled *Charles Drennon and Shamel King v. City of New York et al.*, 05-CV-2486 (CBA), in the U.S. District Court of the Eastern District of New York by filing a complaint on or about May 23, 2005, alleging that his constitutional and common law rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff Shamel King's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced actions are hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Shamel King the total sum of \$35,000 (Thirty-Five Thousand Dollars) in full satisfaction of all claims, including claims for costs, expenses and attorneys fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release defendants and any present or former employees or agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaints in these actions, including claims for costs, expenses and attorneys fees.

3. Plaintiff shall execute and deliver to the City's attorneys all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms

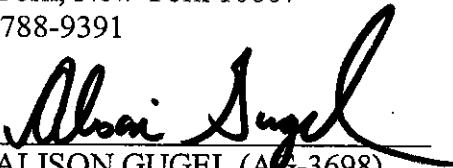
and conditions contained herein.

Dated: New York, New York
August 11, 2005


RICHARD CARDINALE, Esq.
Cardinale & Marinelli
Attorneys for Plaintiff Shamel King
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Brooklyn, NY 11242
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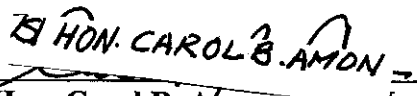
By: 
Richard Cardinale, Esq. (RC-8507)

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Assistant Corporation Counsel

By: 
BROOKE BIRNBAUM (BB- 8338)
Assistant Corporation Counsel

SO ORDERED: *August 11, 2005*

Hon. Sandra L. Townes, U.S.D.J.


Hon. Carol B. Amon, U.S.D.J.

9/19/05

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Richard J. Cardinale
Robert J. Marinelli

September 13, 2005

The Honorable Carol B. Amon
United States Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Drennon & King v. City of New York, CV-05-2486 (CBA) (KAM)

Your Honor:

I represent the plaintiffs Charles Drennon and Shamel King in this action. I also represent plaintiff Shamel King in a separate matter pending before Judge Townes entitled King v. City of New York, CV-05-2567 (SLT).

The defendants and the plaintiffs in these two matters have agreed to settle both cases jointly. Accordingly, I request that the Court sign the enclosed joint stipulation and order of settlement and dismissal, which Judge Townes has already signed. The City of New York requires your signature before it can process the settlement.

Respectfully,



Richard J. Cardinale (RC-8507)

Copy: Alison Gugel